



ERIC SCHMITT
MISSOURI STATE TREASURER

May 21, 2018

Paul Harper, General Counsel
Missouri State Auditor's Office
State Capitol Building, Room 121
Jefferson City, MO 65101

Dear Mr. Harper,

In response to the question presented in the final paragraph of your letter dated May 18, 2018, the State Treasurer's Office is unaware of any payments made to, or requested by, the persons you mentioned. Also, as the State Auditor's Office is well aware, the State Treasurer's Office does not possess or maintain the source documents needed in order to provide a definitive answer. Such records are possessed and processed by the Office of Administration, and are continuously available for inspection by the State Auditor. *See* Section 29.240, RSMo.

This Office understands, and acts in strict conformity with, the duties imposed upon it by Missouri's Constitution and revised statutes. The State Treasurer also respects and holds inviolate those responsibilities assigned to other offices and agencies. As the State Auditor's Office is aware, Missouri's Constitution and revised statutes grant to the Commissioner of the Office of Administration the authority to consider and certify the validity of requests for payments submitted by state offices and agencies through warrants. *See* Mo. Const. Art. IV, Section 28, and Sections 30.170, 30.180, 33.030, 33.040, and 33.140, RSMo. As the State Auditor's Office should also be aware, rather than granting the State Treasurer unilateral authority to judge the lawfulness of individual payment requests when processing disbursements, the only enforcement provision applied to the State Treasurer's Office within these authorities, and in this regard, is the threat of a fourfold civil penalty and misdemeanor charge if the State Treasurer refuses to pay any warrant lawfully drawn upon the treasury as certified by the Commissioner of the Office of Administration. *See* Section 30.410, RSMo. (By way of comparison, please see Section 33.200, RSMo.) The Commissioner of the Office of Administration is charged with ensuring that payments are lawfully valid, and the State Treasurer's Office is

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charged with ensuring that the Commissioner's certified warrants are within remaining appropriated balances.

Before receiving your letter last Friday evening, we had already communicated with the Office of Administration regarding the contents of the Attorney General's letter, as we do whenever potential questions arise concerning a payment request. As the State Auditor's Office may know, the State Treasurer's Office is involved in making approximately 15,000 payments each day, and we are acting in this particular instance as we do in every similar situation.

Thank you for your correspondence. We will continue fulfilling our duties as authorized and required by Missouri's Constitution and revised statutes.

Sincerely,



Jonathan M. Hensley
General Counsel

c: Jim McAdams, Esq., Office of Administration
Lucinda Luetkemeyer, Esq., Office of the Governor
Michael Martinich-Sauter, Esq., Office of the Attorney General